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August 24, 2017

The Honorable Scott Pruitt
Administrator,
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Pruitt,

In recent weeks, my office has been approached by many constituents with grave concerns about the risks to human health and the environment associated with the management of Coal Combustion Residuals (CCR) in Puerto Rico, more specifically the management of "Agremax" generated by the Applied Energy Services Corporation (AES). I urge the EPA to investigate the impacts of the potential mismanagement of depositing "Agremax" in Puerto Rican landfills and take appropriate action to protect the health of the people on the island from potentially deadly toxic exposure.

As you may know, AES, an electrical energy production company with a coal-burning power plant in Guayama, Puerto Rico, has been depositing CCR, including "Agremax," into local landfills, such as in the Peñuelas Valley Landfill, over the past several years. AES produces an aggregate of coal ash, which is a byproduct created when ground coal is burned to fuel electrical power plants, known as "Agremax" used as landfill cover and construction fill, which the company has deemed non-toxic. However, in 2012, the EPA tested the leaching behavior of "Agremax", taken directly from AES' power plant in Guyama, Puerto Rico. The EPA's results found many circumstances in which chemicals, including arsenic, can leach at unsafe levels that surpass minimum U.S. national drinking water requirements.

The Environmental Protection Agency (EPA) has found that CCR contains a number of toxic chemicals including arsenic, chromium, and selenium, which have been linked to serious health effects such as higher rates of asthma, birth defects, and even cancer. Improper management of substances such as "Agremax" can result in leaching from a disposal site, posing a threat to human health and the environment. Given the risk of toxic exposure to these chemicals, I have serious concerns about the use of "Agremax" as landfill cover and its continued use as construction infill.

On July 4, 2017, the Governor of Puerto Rico, Ricardo Rossello, signed a bill banning fly ash or pulverized fuel ash from being deposited in landfills across the territory. However, under the new law, substances such as bottom ash, boiler slags, and flue gas desulfurization material

are still allowed to be disposed of in landfills, raising concerns about the extent to which this will actually address the current issue and keep the local community safe.

I have heard from many residents of Connecticut who are worried about the health of their friends and family in Puerto Rico, and I echo their concerns. Therefore, I urge EPA to review action being taken to address this issue by the Puerto Rican government, including any efforts to adopt and enforce federal standards, to ensure that any existing incidents of unacceptable risk of harm to human health and the environment are addressed immediately. *Specifically, what is being done to monitor leachates and potential contaminants around landfill and construction sites, and who is responsible for conducting and paying for such monitoring?*

Additionally, I encourage EPA to determine if AES' uses of CCR, including "Agremax," meet federal requirements, and take appropriate enforcement action against any violations of federal law to protect communities that have been disproportionately exposed to toxic chemicals in CCR. I also request that you send to my office any and all documents concerning this issue and exchanged between but not limited to AES, Puerto Rican officials, EPA political and transition staff, as well as staff at the Office of Land and Emergency Management and Office of Enforcement and Compliance Assurance.

Thank you for your attention to this important issue. I respectfully request a response by September 24, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Blumenthal".

Richard Blumenthal
United States Senate